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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Agricultural Preserve Review Committee

MEETING DATE April 22, 2013	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Landau Corporation	FILE NO. AGP2012-00008
SUBJECT Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation. The property consists of 46 acres located within the Agriculture land use category on the eastern side of Upper Lopez Canyon Road approximately ¾ of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande. The site is in the Los Padres planning area.			
RECOMMENDED ACTION Recommend the Board of Supervisors authorize service of the Landau Corporation Notice of Partial Nonrenewal of land conservation contract (Clerk's File) and direct Clerk-Recorder to record it.			
ENVIRONMENTAL DETERMINATION General Rule Exemption (ED12-190)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Sensitive Resource Area	ASSESSOR PARCEL NUMBER 048-051-052	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for Agriculture category (new agricultural preserves)	
EXISTING USES: Cattle raising			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Open Space/U.S. Forest Service - Rangeland <i>East:</i> Open Space/U.S. Forest Service - Rangeland <i>South:</i> Agriculture /Rangeland <i>West:</i> Open Space/U.S. Forest Service - Rangeland			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None			
TOPOGRAPHY: Gently to very steeply sloping		VEGETATION: Oak trees, chaparral, grasses	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 15, 2013	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ■■■ SAN LUIS OBISPO ■■■ CALIFORNIA 93408 ■■■ (805) 781-5600 ■■■ FAX: (805) 781-1242			

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PROJECT REVIEW

Partial Notice of Nonrenewal

The landowner, the Landau Corporation, is filing a Partial Notice of Nonrenewal. The subject property is located within the Agriculture land use category on the eastern side of Upper Lopez Canyon Road approximately $\frac{3}{4}$ of a mile north of Lake Lopez and 8.5 miles north east of the city of Arroyo Grande.

The portion to be removed consists of approximately 46 acres of land abutting U.S. Forest Service land. The portion to remain under contract consists of approximately 391 acres of land used for grazing cattle.

The parcel subject to the request for partial nonrenewal is one of five existing parcels within the remaining contract. These five parcels were determined to be legal parcels and received Certificates of Compliance (C.C. O.R. 11-034360).

The parcel is part of Arroyo Grande Valley Agricultural Preserve No. 13 established March 18, 1974 by Ordinance No. 1355, and part of a land conservation contract entered into on April 22, 1974 recorded on April 30, 1974 as book 1776, Page 324 through 339, inclusive.

The original contract included approximately 814 acres, however a previous partial notice of nonrenewal in 1995 (OR 1995-042804) removed approximately 423 acres resulting in 391 acres remaining under land conservation contract. The current partial non-renewal would reduce the land in contract to approximately 345 acres. The contract has a minimum parcel size of 320 acres. At 345 acres, the reduced acreage would be consistent with the contract minimum parcel size.

The contract began with a term of 20 years in 1974 but once the first 10 years of the term ran down, it has been maintaining a 10 year minimum term with the standard annual renewal provision contained in all standard form contracts.

The parcel subject to partial non-renewal is steeply sloping with limited flat areas suitable for grazing and is geographically isolated from the rest of the property. This portion of the property is not used for grazing and the land owner would like to remove this unused parcel from the rest of the property for possible future sale.

Compliance with the Williamson Act and the Rules of Procedure

Since the Williamson Act program is voluntary, a land owner may at any time serve the county with a notice of nonrenewal which effectively stops the automatic annual renewal of the contract and starts running down the remaining 10-year contract term.

However, the Williamson Act and the County's Rules of Procedure require that partial notices of nonrenewal be reviewed to ensure that the remaining portion of the contracted property remains eligible for the program. Although the county must record properly filed notices of nonrenewal, and therefore does not have discretion on the filing of the notice, the County may initiate a County-initiated notice of non-renewal on the remaining portion if it does not meet the terms of

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its contract or is otherwise ineligible for the program due to the forthcoming removal of a portion of the contracted land. The Rules of Procedure require that partial notices of nonrenewal be authorized by the Board of Supervisors prior to servicing.

Staff has evaluated the remaining land within this land conservation contract and determined that it would continue to meet the terms of its original contract, specifically the minimum parcel size of 320 acres.

On November 8, 2011 the Board of Supervisors approved amendments to The Rules of Procedure to Implement the California Land Conservation Act of 1965 that primarily effected range land and dry farm agricultural properties. The current Rules of Procedure require range land agricultural preserves and land conservation contracts to contain 320 acres of land. The property remaining under the Landau Corporation contract exceeds this amount. It should also be noted that the resolution approving the amendments included the following provision:

“Further it is the intention of the Board of Supervisors that the amendments proposed herein are to effect only new applications for agricultural preserves and land conservation contracts filed on or after January 1, 2012, and shall not effect amendments to agricultural preserves and contracts existing prior that date, including, but not limited to, amendments to reflect lot line adjustments, additions of land, and eligibility of parcels remaining under contract as exclusions from partial notices of non-renewal.”

Staff has concluded that the remaining portion of the contract would remain eligible for the program and would remain in conformance with the minimum parcel size stipulated in the original contract. No amendment to the contract would be necessary, and there would be no basis for the County to initiate a notice of nonrenewal on the remaining contracted land.

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Agricultural Preserve Review Committee

Minutes from the Agricultural Preserve Review Committee meeting will be inserted for the Board of Supervisors report.

RECOMMENDATION

Staff is recommending that the Review Committee consider the request and acknowledge that the portion of the contracted land to remain under contract will be in conformance with its land conservation contract and the Williamson Act Program in general.

Report prepared by Terry Wahler
and reviewed by Bill Robeson, Supervising Planner
Agricultural Preserve Program

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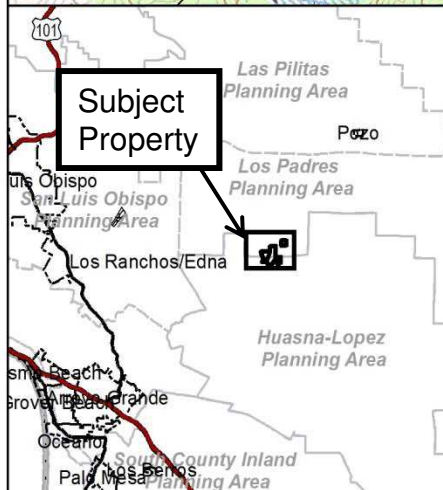
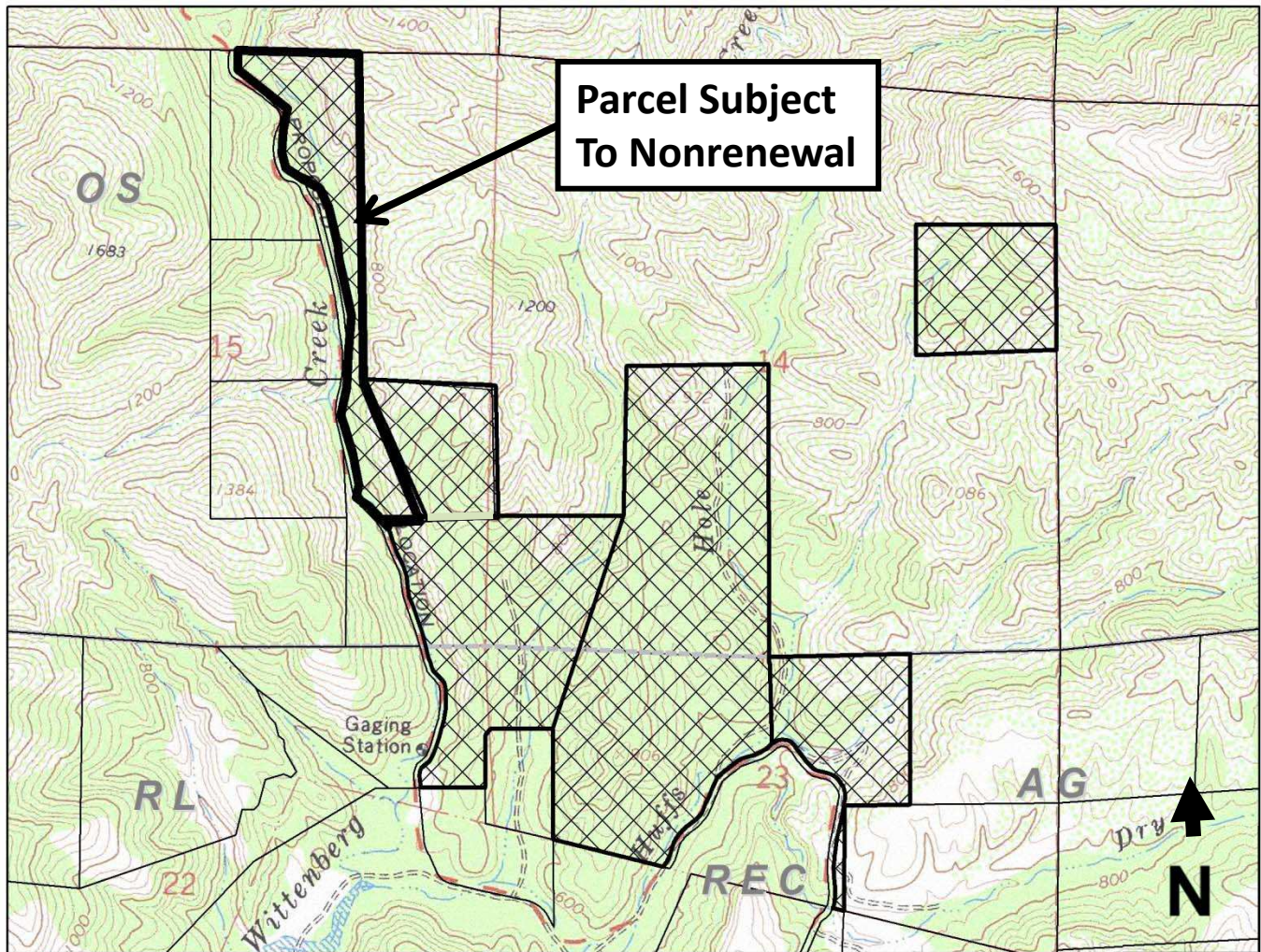


EXHIBIT A: Arroyo Grande Agricultural Preserve No. 13

Existing Land Conservation Contract: Document No: 13159
Book 1776, Page 324 through 339, inclusive



-  Parcel Subject to Nonrenewal
APN: 048-051-052
-  Existing Land Conservation Contract
Parcels to Remain Under Contract

EXHIBIT A: Partial Notice of Nonrenewal

File No. AGP2012-00008 - Landau Corporation
Current Contract Minimum Parcel Size: 320 Acres